

***Remarks***

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 16-25 are pending in the application, with claims 16, 19, and 22 being the independent claims. The amended Abstract is believed to introduce no new matter, and its entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

***Objection to the Abstract***

The abstract has been objected to as being too long. Please find attached herewith a new abstract that meets the requirements of M.P.E.P. § 608.01(b).

***Rejections under 35 U.S.C. § 102***

Independent claim 16 has been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,174,762 to Hopkins *et al.* Claim 16 recites an apparatus for driving and steering comprising a reversing operation device operatively connected to a first transmission drivingly interposed between a prime mover and a pair of left and right drive wheels so as to switch an output rotational direction of the first transmission between opposite directions thereby setting either a forward or backward driving direction of the left and right drive wheels. Claim 16 further recites that the reversing operation device is operatively connected to a second transmission drivingly interposed between the prime mover and the pair of left and right drive wheels, wherein the second transmission differentially drives the left and right drive wheels, and the reversing operation device switches the output rotational direction of the second transmission

between opposite directions. Hopkins does not disclose the recited features. In particular, the Examiner recognizes that Hopkins discloses a reversing operation device operatively connected only to the steering (second) transmission, but does not disclose that the reversing operation device is also connected to the driving (first) transmission. The Examiner asserts it is inherent in Hopkins that the reverse control both shifts the direction of the first pump and the steering direction-control valve (116) in that "the switching of the steering control direction is expressly taught as being associated with the engagement of a reverse drive mode." (Hopkins *et al.*, col. 4, lines 15-17). An inherency argument "can be rebutted by evidence showing that the prior art product[] [does] not necessarily possess the characteristics of the claimed product." MPEP § 2112.01(I) (emphasis in original). As noted above, claim 16 recites that the reverse operation device is "operatively connected" to the first (driving) transmission. Just because the switching of the steering control device is "associated" with the reverse drive mode, as asserted by the Examiner, does not mean that the reverse control is "operatively connected" to the first (driving) transmission. For example, when the operator wants to go in reverse, there could be a switch for the operation to activate the reverse control of the steering transmission. Such an arrangement would not have the reverse control operatively connected to the first (driving) transmission, as claimed. Thus, a dual connection to the first and second transmissions as recited in claim 16 is not *necessarily* a part of the Hopkins device, and is therefore not inherent. Accordingly, Applicants respectfully request that the rejection of claim 16 be withdrawn.

***Rejections under 35 U.S.C. § 103***

Dependent claims 17 and 18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hopkins *et al.* because the Examiner asserts that handles and

pedals are extremely old and well known devices and combining them with Hopkins would have been obvious. Claims 17 and 18 depend from independent claim 16. As discussed above with regard to claim 16, Hopkins does not disclose or render obvious the features recited in claim 16. Accordingly, Applicants respectfully request that the rejections of claims 17 and 18 be withdrawn.

Independent claims 19 and 22, and claims 20-21 and 23-25 which depend therefrom, have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hopkins *et al.* in view of U.S. Pat. No. 4,471,669 to Seaberg. Applicants respectfully traverse the rejection. The Examiner has utilized improper hindsight in reconstructing the claims of the application from bits and pieces of the references cited instead of considering the prior art in its entirety. For rejections under 35 U.S.C. § 103(a), the prior art "must be considered in its entirety, i.e. as a whole, including portions that would lead away from the claimed invention." MPEP § 2141.02 (emphasis in original).

Independent claim 19 recites a transmission for traveling and a hydrostatic transmission for steering that contains its own pump and motor. Independent claim 22 recites a first hydrostatic transmission including a first hydraulic pump and a first hydraulic motor and a second hydrostatic transmission including a second hydraulic pump and a second hydraulic motor. The Hopkins patent specifically states that "it would be advantageous to provide a system wherein a single pump can be used to provide proper driving and actuation for steering of wheels or tracks of a vehicle." (Col. 1, lines 21-24). Thus, Hopkins teaches away from the presently claimed separated pumps for steering and driving, and it would be improper to modify it contrary to its teachings. Accordingly, Applicants respectfully request the rejections of independent claims 19 and 22, be withdrawn. Dependent claims 20-21 and 23-25 depend from and add further features to

independent claims 19 and 22, and therefore should be withdrawn for at least the same reasons as described above with respect to independent claims 19 and 22.

***Conclusion***

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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